

DIAMOND MCCARTHY, LLP

909 Fannin, Suite 1500
Houston, TX 77010
Telephone (713) 333-5100
Facsimile (713) 333-5199

1201 Elm Street, Suite 3400
Dallas, TX 75270
Telephone (214) 389-5300
Facsimile (214) 389-5399

6504 Bridgepoint Parkway, Suite 400
Austin, TX 78730
Telephone (512) 617-5200
Facsimile (512) 617-5299

Allan B. Diamond, TX State Bar No. 05801800
Email: adiamond@diamondmccarthy.com
Eric D. Madden, TX State Bar No. 24013079
Email: emadden@diamondmccarthy.com

Special Litigation Counsel for Official Committee of
Unsecured Creditors of USA Commercial Mortgage Company

E-Filed on February 1, 2007

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND,
LLC,

Debtor.

In re:
USA SECURITIES, LLC,

Debtor.

Affects:
☒ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

JOINTLY ADMINISTERED
Chapter 11 Cases

Judge Linda B. Riegle Presiding

**VERIFIED PETITION FOR
PERMISSION TO PRACTICE IN THIS
CASE ONLY BY ATTORNEY NOT
ADMITTED TO THE BAR OF THIS
COURT**

**EFFECTIVE JUNE 1, 2004 FILING FEE
IS \$175.00**

Eric D. Madden, Petitioner, respectfully represents to the Court:

1. That Petitioner resides at 7545 Primrose Drive, Irving, Texas 75063.

2. That Petitioner is an attorney at law and a member of the law firm of Diamond McCarthy, LLP, with offices at 909 Fannin Street, Suite 1500, Houston, TX (713) 333-5100; 1201 Elm Street, 34th Floor, Dallas, TX 75270, (214) 389-5300; and 6504 Bridgepoint Parkway, Suite 400, Austin, TX 78730, (512) 617-5200.

3. That Petitioner has been retained personally or as a member of the law firm by the Official Committee of Unsecured Creditors ("Creditors Committee") to serve as special litigation counsel to the Creditors Committee and, following the effective date of the Plan of Reorganization (the "Plan"), to the USACM Trust, as defined in the Plan.

4. That since November 1999, Petitioner has been and presently is a member in good standing of the bar of the highest court of the State of Texas where Petitioner regularly practices law.

5. That Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts of other States on the dates indicated for each, and that Petitioner is presently a member in good standing of the bars of said Courts.

<u>Court</u>	<u>Date Admitted</u>
U.S. Supreme Court	June 2003
U.S. District Court for the Northern District of Texas	January 2000
U.S. District Court for the Southern District of Texas	September 2001
U.S. District Court for the Eastern District of Texas	April 2005
U.S. District Court for the Western District of Texas	July 2005

6. That there are or have been no disciplinary proceedings instituted against petitioner, nor any suspension of any license, certificate or privilege to appear before any

1 judicial, regulatory or administrative body, or any resignation or termination in order to
2 avoid disciplinary or disbarment proceedings, except as described in detail below: None.

3 7. That Petitioner has never been denied admission to the State Bar of Nevada.

4 8. That Petitioner is a member of good standing in the following Bar
5 Associations:

6 State Bar of Texas

7 Dallas Bar Association

8 American Bar Association

9 9. Petitioner or any member of Petitioner's firm (or office if firm has offices in
10 more than one city) with which Petitioner is associated has/have filed application(s) to
11 appear as counsel under Local Rule IA 10-2 during the past three (3) years in the
12 following matters:

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied</u>
15 Eric D. Madden (12/06/05)	16 Provincial Govt. of Marinduque v. Placer Dome, Inc. (CV-S-05-1299)	USDC	Granted (12/29/05)
17 James D. McCarthy (12/06/05)	18 Provincial Govt. of Marinduque v. Placer Dome, Inc. (CV-S-05-1299)	USDC	Granted (12/21/05)
19 Allan B. Diamond (12/06/05)	20 Provincial Govt. of Marinduque v. Placer Dome, Inc. (CV-S-05-1299)	USDC	Granted (12/21/05)
21 Walter J. Scott (12/06/05)	22 Provincial Govt. of Marinduque v. Placer Dome, Inc. (CV-S-05-1299)	USDC	Granted (01/11/06)
23 Allan B. Diamond (2002)	24 Schnelling v. Budd, <i>et al.</i> (Adv. No. 02- 1025; Bankr. No. BK-S-00-10533- LBR)	USBC	Granted

1		Schnelling v. Budd,		
2	Arley D. Finley, III	<i>et al.</i> ; (Adv. No. 02-		
3	(2002)	1025; Bankr. No.	USBC	Granted
		BK-S-00-10533-		
4		LBR)		
		Schnelling v. Budd,		
5	Eric D. Madden	<i>et al.</i> ; (Adv. No. 02-		
6	(2002)	1025; Bankr. No.	USBC	Granted
		BK-S-00-10533-		
		LBR)		
7	Erin E. Jones	Agribiotech, Inc., <i>et</i>		
8	(2002)	<i>al.</i> ; (Bankr. No. BK-	USBC	Granted
		S-00-10533-LBR)		

10. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada.

11. Petitioner agrees to comply with the standards of professional conduct required of the members of the bar of this court.

12. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

That Petitioner respectfully prays that Petitioner be admitted to practice before this Court FOR THE PURPOSES OF THIS CASE ONLY.

DATED: Jan. 24, 2007



Eric D. Madden, *Petitioner*

VERIFICATION

STATE OF TEXAS)
)
COUNTY OF DALLAS)


Eric D. Madden, Petitioner, being first duly sworn, deposes and says:
That the foregoing statements are true.



Eric D. Madden, *Petitioner*

(SEAL)

Subscribed and sworn to before me this
24th day of January, 2007.


Notary public